

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:01CR48

UNITED STATES OF AMERICA

VS.

DENNIS MERRIMON WATERS

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on the Defendant's motion to alter or amend a judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure or, in the alternative, motion for reconsideration.

On July 29, 2009, this Court denied the Defendant's motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the recent Amendment to the Sentencing Guidelines with regard to crack cocaine offenses. **See Order, filed July 29, 2009.** The Court based its decision on the fact that had the Guideline Amendment been in place at the time of Defendant's sentencing, the Guideline sentence would have been the mandatory minimum of life imprisonment. Therefore, the

Amendment has no impact on the Defendant's sentence. *Id.* There is nothing in Defendant's instant motion that would amend this classification.

IT IS, THEREFORE, ORDERED that Defendant's motion to alter or amend a judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure or, in the alternative, motion for reconsideration is hereby **DENIED.**

Signed: August 27, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

